IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

CRL.A.No. 445 of 2000

CC.1306/1997 of JUDL.MAGISTRATE OF FIRST CLASS-II, ERNAKULAM

APPELLANT/COMPLAINANT:

V.V. RAMGOPAL,
CHITRA,
PALLINADA,
PALARIVATTOM,
COCHIN-25.

BY ADV. SRI.V.B.UNNIRAJ.

RESPONDENT/ACCUSED:

P. ASOKAN,
P.W.D. CONTRACTOR,
USHAS,
CHOLAM VAYAL,
BADAGARA.

BY PUBLIC PROSECUTOR SRI. K.C. SANTHOSH KUMAR.

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 21/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY, J.

Crl.Appeal No.445 OF 2000

Dated 21st February, 2007

JUDGMENT

This appeal is filed against order of acquittal. Appeal was admitted and notice was ordered on 12.7.2000, but, process was not filed so far and defects were not cured. An order of acquittal cannot be reversed without service of notice to the accused. Even otherwise, in this case, accused was acquitted for the absence of the complainant. Acquittal of the accused for the absence of the complainant under section 256(1) of the Code of Criminal Procedure cannot be stated to be illegal. Hence, there is no merit in the appeal.

The appeal is dismissed.

J.B.KOSHY
Judge

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